

1
ORDINANCE NO. 91-2

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10 AN ORDINANCE OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN
11 AS THE ENVIRONMENTALLY SENSITIVE LANDS CHARTER AMENDMENT
12 ORDINANCE; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF
13 AMENDMENT TO CHARTER SUBJECT TO APPROVAL OF A MAJORITY OF
14 THE ELECTORS OF PALM BEACH COUNTY IN A REFERENDUM;
15 PROVIDING FOR A COUNTY-WIDE ORDINANCE WHICH SHALL PREVAIL
16 OVER MUNICIPAL ORDINANCES WHICH ARE LESS STRINGENT THAN
THE COUNTY ORDINANCE RELATING TO THE REGULATION,
PROTECTION, PRESERVATION, AND ACQUISITION OF
ENVIRONMENTALLY SENSITIVE LANDS IN PALM BEACH COUNTY;
PROVIDING FOR A SEPTEMBER 10, 1991 REFERENDUM DATE;
PROVIDING FOR BALLOT LANGUAGE AUTHORIZING LEGAL
ADVERTISEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE CHARTER; PROVIDING FOR AN EFFECTIVE
DATE; AND PROVIDING FOR REPEAL OF ORDINANCE NO. 90-34.

17 WHEREAS, the Home Rule Charter of Palm Beach County, Florida,
18 was approved by a majority of the electors of Palm Beach County at
19 the general election held November 6, 1984; and

20 WHEREAS, Section 6.3 of the Charter was approved by a majority
21 of the electors at the general election held November 4, 1986, and
22 became effective January 1, 1987; and

23 WHEREAS, Section 6.3 of the Charter provides that amendments
24 to the Charter may be proposed by the Board of County
25 Commissioners, or by initiative, subject to approval of the
26 electors of Palm Beach County in a referendum; and

27 WHEREAS, the Board of County Commissioners, has proposed
28 charter amendments intended to provide protection and preservation
29 of environmentally sensitive lands in Palm Beach County; and,

30 WHEREAS, adoption of this Ordinance will allow the electors of
31 Palm Beach County to adopt or reject the proposed charter
32 amendments at a referendum to be held September 10, 1991.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

35 Section 1. Title

36 This Ordinance may be cited as the "Environmentally Sensitive
37 Lands Charter Amendment Ordinance".

38 Section 2. Adoption of Charter Amendment

39 Subject to the approval of a majority of the qualified
40 electors of Palm Beach County voting in the referendum provided for

1 herein, Sections 1.3(5) is created to read, and 3.3 of the Home
2 Rule Charter of Palm Beach County is amended to read, respectively,
3 as follows:

4 **TITLE**

5 **Sec. 1.3. Scope of county ordinances; conflict with**
6 **municipal ordinances.**

7 **Municipal ordinances shall prevail over County ordinances to**
8 **the extent of any conflict regardless of the time of passage**
9 **of the municipal ordinance, except that County ordinances**
10 **shall prevail over conflicting municipal ordinances:**

11 **(5) In matters relating to the regulation, protection,**
12 **preservation and acquisition of environmentally sensitive**
13 **lands in Palm Beach County within the parameters set**
14 **forth in Section 3.3 of this Charter.**

15 **Sec. 3.3. Protection of Health, Safety and Welfare.**

16 **It shall be the policy of the county to protect the**
17 **health, safety and general welfare of all of the**
18 **residents of Palm Beach County. The board of county**
19 **commissioners may adopt appropriate ordinances to**
20 **accomplish these purposes, including a county-wide**
21 **ordinance relating to the protection of wells and**
22 **wellfields by providing criteria for regulating and**
23 **prohibiting the use, handling, production and storage of**
24 **certain deleterious substances which may impair present**
25 **and future public potable water supply wells and**
26 **wellfields, and a county-wide ordinance relating to the**
27 **regulation, protection, preservation and acquisition of**
28 **environmentally sensitive lands in Palm Beach County.**

29 **Section 3. Referendum**

30 **Pursuant to the applicable provisions of Chapters 100 and 125,**
31 **Florida Statutes, a referendum is hereby called and shall be held**
32 **on September 10, 1991, at which time there shall be submitted to**
33 **the electors of Palm Beach County, Florida, the following question:**

34 **CHARTER AMENDMENT PROVIDING FOR POWER TO ADOPT COUNTY-**
35 **WIDE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE:**

36 **"Shall there be an amendment to the Palm Beach County**
37 **Charter providing that the Palm Beach County Board of**
38 **County Commissioners may adopt a county-wide ordinance**
39 **relating to the regulation, protection, preservation and**
40 **potential acquisition of environmentally sensitive lands**
41 **in the County, which ordinance shall prevail over**
42 **municipal ordinances which are less stringent than the**
43 **County ordinance dealing with the same subject matter?"**

44 **_____ Yes**

45 **_____ No**

1 Section 4. Notice

2 The Clerk of the Board of County Commissioners shall publish
3 notice of the referendum in the manner required by Section 100.342,
4 Florida Statutes.

5 Section 5. Severability

6 If any section, paragraph, sentence, clause, phrase or word of
7 this Ordinance is for any reason held by a court to be
8 unconstitutional, inoperative or void, such holding shall not
9 affect the remainder of this Ordinance.

10 Section 6. Inclusion in the Charter

11 The provisions of this charter amendment hereby approved shall
12 become and be made a part of the Charter of Palm Beach County,
13 Florida. The articles or sections of this Charter Amendment
14 Ordinance may be renumbered or relettered to accomplish such and
15 the word "amendment" may be changed to "section", "article" or any
16 other appropriate word.

17 Section 7. Effective Date

18 The charter amendment shall become law upon receipt of
19 acknowledgement from the Florida Department of State and only if
20 approved by a majority of the qualified electors of Palm Beach
21 County voting on the question posed at the September 10, 1991
22 referendum. If a majority of those voting on the question do not
23 approve, this ordinance shall be deemed repealed effective October
24 1, 1991.

25 Section 8. Repeal of Ordinance No. 90-34

26 This Ordinance expressly repeals and supersedes Palm Beach
27 County Ordinance No. 90-34.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
2 Beach County on the 8th day of January,
3 1991.

4 ATTEST:

5 JOHN B. DUNKLE, CLERK

6 By: Linda C. Hickman
7 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

By: Karen Marcus
Chair

9 APPROVED AS TO FORM
10 AND LEGAL SUFFICIENCY

11 Heidi J. Judd
12 County Attorney

13 Acknowledgement by the Department of State of the State of
14 Florida, on this, the 17th day of January, 1991.

15 EFFECTIVE DATE: Acknowledgement from the Department of State
16 received on the 22nd day of January
17 1991, at 1:06 pm., and filed in the Office of the
18 Clerk of the Board of County Commissioners of Palm Beach County,
19 Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-Officio Clerk of the
Board of County Commissioners, certify this to
be a true and correct copy of the original filed in
my office on 1/22/91.
DATED at West Palm Beach, FL on 1/29/91.
JOHN B. DUNKLE, Clerk
By: Linda C. Hickman D.C.
Deputy Clerk